IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the 14th February, 2006
Bail Application No. 1134 of 2005

Order on the bail application of the accused.

CRIMINAL SIDE

Israr S/o Gafoor
R/o Moh. Ghosiyan, Jwalapur,
Police Station – Jawalapur
District – Haridwar …… Applicant

Versus

State of Uttaranchal ……..Opposite Party

_____In
Case Crime No. 165 of 2005
U/s 376 I.P.C.
Police Station – Jawalapur,
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri S.P.S. Panwar-Sr. Advocate, learned counsel for the applicant, learned AGA for the State and perused the record.

The rape was committed upon the victim on 06.05.2005 by the applicant-accused and the report was lodged on the next day by the victim herself. It is alleged in the report as well as in the statement recorded u/s 164 Cr.P.C. that the victim is a minor, however, it is alleged in the medical report that she is above 16 years and below 18 years of age. The averment made in the F.I.R. is corroborated in the statement recorded u/s 164 Cr.P.C. The medical report reveals that hymen was torn and no internal injury was found on the body of the victim.

Considering the facts and circumstance of the case in totality, it is not a fit case for bail.

The bail application accordingly rejected.

(J.C.S. Rawat, J.)

Dated 14.02.2006
Shiv